UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,022	07/10/2001	Yuri Shtivelman	P3253C1	2846

24739 7590 11/26/2007

CENTRAL COAST PATENT AGENCY, INC
3 HANGAR WAY SUITE D
WATSONVILLE, CA 95076

EXAMINER	
NGUYEN, STEVEN H D	

ART UNIT	PAPER NUMBER
2619	

MAIL DATE	DELIVERY MODE
11/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

TH

Office Action Summary	Application No.	Applicant(s)	
	09/903,022	SHTIVELMAN ET AL.	
	Examiner	Art Unit	
	Steven H.D Nguyen	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18,20,22,24 and 25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18, 20, 22, 24-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 18, 20, 22 and 24-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda (USP 6876632) in view of Barker (WO 98/10573) and Reimann (USP 5892764).

Takeda discloses a call waiting system comprising a SCP is PSTN (Fig 21, Ref 2 is SCP of PSTN); an Intemet-connected service provider (Fig 21, Ref 7 is internet service provider, Col. 17, line 65 to col. 18, lines 23); and cooperating software executing at ISP, SCP and on a user's Internet appliance for providing a call-waiting service (Figs 21-23, Ref 6b, 2 and 7 have a software for performing the function of call waiting service, See col. 18, line 24 to col. 21, lines 37 and col. 2, lines 1-12); wherein, in response to an indication at the ISP of a call for the user, said ISP generates an alert to the user's Intemet appliance of the calls wherein the user can accepts, forwarding to another number, forwarding to mail box (See col. 18, line 24 to col. 21, lines 37 and col. 2, lines 1-12). However, Takeda fails to disclose when a user operating the internet appliance connect to the ISP for internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with ISP and the cooperating software on the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons. In the same field of endeavor, Baker discloses a method and system for

notifying an incoming call from ISP to the internet user by using icon and when a user operating the internet appliance connect to the ISP for internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with ISP (Page 34, lines 4 to page 35, lines 20 and Page 45, lines 16-27, after the user connected to ISP, the ISP instructs the telephone company central office to forward to call to the telephone number of ISP wherein the ISP will notify the incoming call to the internet user by present an icon wherein ISP and user's device has a software for notifying and accepting a call and PSTN has a software for forwarding the call to ISP). However, Takeda and Baker fail to disclose the user transfers calls by manipulating the individual icons. In the same field of endeavor, Reimann discloses the user transfers calls or the user initiates outgoing call by manipulating the individual icons and the icon is manipulated to indicate the status of incoming call to the user (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something, initiating a call forward to a specific number and activate a command are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and providing the icons for transferring a call as disclosed by Reimann into the system and method of Barker which discloses a method and system for initiating call forwarding function at the ISP to the PSTN in order to allow the ISP to notify the user into the teaching of Takeda which discloses the use of SCP to forward the call to internet user . The motivation would have been to a friendly GUI to a user and reduce human error.

3. Claims 18, 20, 22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby (USP 6320857) in view of Smyk (WO 98/56133) and Reimann (USP 5892764).

Regarding claim 18, Tonnby discloses a call waiting system comprising an Intemet-connected service provider "ISP" (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the ISP (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Internet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to an indication at the service system of a call for the user, said service system generates an alert to the user's Intemet appliance of the calls (Col. 5, lines 15-65). However, Tonnby fails to disclose the cooperating software on SCP or the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons and a user operating the internet appliance connect to the ISP for internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with ISP. In the same field of endeavor, Smyk discloses a software is executed on client terminal, SCP and ISP (Fig 1, client terminal , Ref 116, 118 and 180; ISP Ref 110 and 124 and SCP Ref 122) ISP server performing a call forward function by instructing SCP to route the incoming call to the client terminal to ITG routing number (Page 6, lines 2-21, Page 7, lines 6-14, Page 8, lines 17-19). However, Tonnby and Smyk fail to disclose the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons. In the same field of endeavor, Reimann discloses the cooperating software

on the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something, initiating a call forward to a specific number and activate a command are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and providing the icons for transferring a call as disclosed by Reimann into the system of Smyk which allows the ISP to initiating a call forwarding function to instruct the SCP to forward a incoming call to the client terminal to a specific number of the telephone gateway into the teaching of Tonnby. The motivation would have been to a friendly GUI to a user and reduce human error.

Regarding claim 20, Tonnby discloses a call-waiting system, comprising an Internet-connected service system "ISP" (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Intemet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to indications at the service system of calls for the user, said service system generates alerts to the user's Intemet appliance of the calls (Col. 2, lines 56-67 and Col. 5, lines 15-65). However, Tonnby fails to disclose the cooperating software on SCP or the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons and a user operating the internet appliance connect to the ISP for internet

connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with ISP. In the same field of endeavor, Smyk discloses a software is executed on client terminal, SCP and ISP (Fig 1, client terminal , Ref 116, 118 and 180; ISP Ref 110 and 124 and SCP Ref 122) ISP server performing a call forward function by instructing SCP to route the incoming call to the client terminal to ITG routing number (Page 6, lines 2-21, Page 7, lines 6-14, Page 8, lines 17-19). However, Tonnby and Smyk fail to disclose the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons. In the same field of endeavor, Reimann discloses the cooperating software on the user's internet appliance presents each call as an icon wherein the user interfaces with calls by manipulating the individual icons (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something, initiating a call forward to a specific number and activate a command are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and providing the icons to allow a user to interface with the calls as disclosed by Reimann into the system of Smyk which allows the ISP to initiating a call forwarding function to instruct the SCP to forward a incoming call to the client terminal to a specific number of the telephone gateway into the teaching of Tonnby. The motivation would have been to a friendly GUI to a user and reduce human error.

Regarding claim 22, Tonnby discloses a call-waiting system comprising an Internet-connected service system "ISP" (Figs 1-4 and 6, ref 8 and 10); and cooperating software

executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Internet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to indications at the service system of a call for the user, said service system generates an alert to the user's Intemet appliance of the call (Col. 5, lines 15-65). However, Tonnby fails to disclose the cooperating software on SCP or the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons and a user operating the internet appliance connect to the ISP for internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with ISP. In the same field of endeavor, Smyk discloses a software is executed on client terminal, SCP and ISP (Fig 1, client terminal , Ref 116, 118 and 180; ISP Ref 110 and 124 and SCP Ref 122) ISP server performing a call forward function by instructing SCP to route the incoming call to the client terminal to ITG routing number (Page 6, lines 2-21, Page 7, lines 6-14, Page 8, lines 17-19). However, Tonnby and Smyk fail to disclose the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons. In the same field of endeavor, Reimann discloses the cooperating software on the user's internet appliance presents each call as an icon wherein the user initiates outgoing calls by manipulating the icons (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something, activate a command and initiating a call forward to a specific number are well known and expected in the art at the

time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and initiating the outgoing calls by manipulating the icons as disclosed by Reimann into the system of Smyk which allows the ISP to initiating a call forwarding function to instruct the SCP to forward a incoming call to the client terminal to a specific number of the telephone gateway into the teaching of Tonnby. The motivation would have been to a friendly GUI to a user and reduce human error.

Regarding claims 24-25, Tonnby discloses a call-waiting system comprising an Internet-connected service system "ISP" (Figs 1-4 and 6, ref 8 and 10); and cooperating software executing at the service system (Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user) and on a user's Intemet appliance for providing a call-waiting service (Figs 1-4 and 6 have loaded software for executing the functions based on incoming from network or outgoing calls from a user); wherein, in response to indications at the service system of a call for the user, said service system generates an alert to the user's Intemet appliance of the call (Col. 5, lines 15-65). However, Tonnby fails to disclose the cooperating software on SCP or the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons and a user operating the internet appliance connect to the ISP for internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with ISP. In the same field of endeavor, Smyk discloses a software is executed on client terminal, SCP and ISP (Fig 1, client terminal , Ref 116, 118 and 180; ISP Ref 110 and 124 and SCP Ref 122) ISP server performing a call forward function by

instructing SCP to route the incoming call to the client terminal to ITG routing number (Page 6, lines 2-21, Page 7, lines 6-14, Page 8, lines 17-19). However, Tonnby and Smyk fail to disclose the user's Internet appliance presents each call as an icon wherein the user transfers calls by manipulating the individual icons. In the same field of endeavor, Reimann discloses the cooperating software on the user's internet appliance presents each call as an icon wherein the user causes a pre-recorded message to be played to the caller by manipulating the icons and the icon is manipulated to indicate the status of incoming call to the user (Col. 13, lines 6 to col. 14, lines 62 and Fig 9).

Since a method and system for using an icon to present something, activate a command and initiating a call forward to a specific number are well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for presenting each call as an icon to a user and played a recorded message to the caller by manipulating the icons and the icon is manipulated to indicate the status of incoming call to the user as disclosed by Reimann into the system of Smyk which allows the ISP to initiating a call forwarding function to instruct the SCP to forward a incoming call to the client terminal to a specific number of the telephone gateway into the teaching of Tonnby. The motivation would have been to a friendly GUI to a user and reduce human error.

Response to Arguments

4. Applicant's arguments filed 9/10/2007 have been fully considered but they are not persuasive.

In response to page 5, the applicant states that this application is a div of the application 08/928410 which filed 10/09/97 now USP 6064667. In reply, the examiner disagrees with the applicant because the '667 does not disclose the limitation of the claims such as performing call forwarding when the dial numbered is surfing Internet. So, a filing date of this application must be 7/10/2001 because it's a CIP of 6064668. Therefore, Takeda is valid prior art.

In response to page 6, the applicant states that Smyk fails to disclose a method and system when a user connection to ISP, a call forwarding service is automatically initiated to cause ISP instructing SCP forward the call to a specific number without intermediate step. In reply, the claims do not exclude the intermidiate steps.

Conclusion

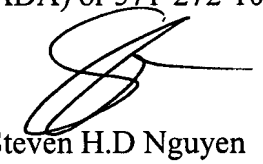
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H.D Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven H.D Nguyen
Primary Examiner
Art Unit 2619